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**RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE - EXAMINING GROUP [3700]**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Zucherman, et al.
Appl. No.: 09/684,017
Confirm. No.: 9622
Filed: January 8, 2001
Title: SPINE DISTRACTION IMPLANT AND
METHOD

PATENT APPLICATION

Art Unit: 3731
Examiner: J. Woo

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on March 22, 2004.

(Attorney Signature)

Michael L. Robbins, Reg. No. 54,774
Signature Date: March 22, 2004

RESPONSE D UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This RESPONSE D is in reply to the Office Action mailed January 20, 2004.

Amendments

Please amend the above-identified application as follows:

In the Claims:

Please cancel claims 95, 96, and 108, all as shown below.

RECEIVED
MAR 29 2004
TECHNOLOGY CENTER R3700